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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff,
v.
ADAM SHAFI, Defendant } NO. 15 Cr. 582 WHO
} UNOPPOSED ADMINISTRATIVE
} MOTION AND [PROPOSED] ORDER
} SEALING EX PARTE COURT
} DOCUMENTS
} Date: February 18, 2016
} Time: 1:30 p.m.

PLEASE TAKE NOTICE that on February 18, 2016 at 1:30 p.m., defendant Adam Shafi will move this Court to file *ex parte* and under seal and FILTER 00002 through FILTER 00009, which counsel has lodged with this Court under seal. The government does not oppose the motion and the parties agree that the motion may be

1 granted pursuant to this unopposed motion and the declaration of counsel below, and
2 without oral argument.

3 Mr. Shafi seeks an order permitting him to file under seal and *ex parte* from the
4 prosecution FILTER 00002 through 00009 because they contain privileged attorney-
5 client communications and constitute attorney work-product. *See* L.R. 56-1(b).

6 **Declaration of Counsel**

7 1. Along with Joshua L. Dratel, I represent Mr. Adam Shafi in the above-
8 captioned matter and I submit this declaration in support of Mr. Shafi's Unopposed
9 Administrative Motion to Seal Court Documents. I present the following based on
10 information and belief.

11 2. Mr. Shafi was arrested on a Complaint July 3, 2015, that alleged an attempt
12 to provide material support to a foreign terrorist organization in violation of 18 U.S.C. §
13 2339B. [Dkt. 1]. Mr. Shafi has been detained since his arrest at Alameda County's Glenn
14 Dyer Jail.

15 3. According to Alameda County Sheriff's Office Lieutenant Dan Brodie, on
16 December 17, 2015, representatives of the Sheriff's Office searched Mr. Shafi's cell and
17 confiscated a notepad containing writings and drawings, which it promptly turned over to
18 the FBI. [Dkt. 47 at ¶¶7-9].

19 4. FBI Agent Christopher Monika confirms that the Alameda County Sheriff's
20 Office provided the material to the FBI. [Dkt. 38-1 at ¶ 5b].

1 5. The government has since produced discovery that confirms that on
2 December 18, 2015, the FBI emailed a portion of the documents seized from Mr. Shafi's
3 cell to, *inter alia*, the prosecution team, including AUSA Candace Kelly and Jeffrey Shih.
4 [Discovery, Bates AS-00631].

5 6. The U.S. Attorney's Office subsequently provided defense counsel with
6 copies of the seized documents. Included within that material was FILTER_00002
7 through FILTER _00009, which counsel believe constitute attorney work-product and
8 privileged attorney-client communications.

9 I declare under the penalty of perjury that the foregoing is true and correct to the
10 best of my knowledge.

11 Executed this 10th day of February, 2016, at Berkeley, California.

12 s/ Erik B. Levin

13 Erik B. Levin

14 UNOPPOSED.

15 DATED: February 10, 2016

16 BRIAN STRETCH

17 Acting United States Attorney

18 s/ Jeffrey Shih

19 Jeffrey Shih, Esq.

20 Assistant United States Attorney

21 PURSUANT TO STIPULATION, IT IS SO ORDERED.

22 DATED:

23

JUDGE WILLIAM ORRICK

Certificate of Service

I hereby certify that on February 10, 2016, I filed the foregoing **UNOPPOSED**
ADMINISTRATIVE MOTION AND [PROPOSED] ORDER SEALING COURT
DOCUMENTS with the Clerk of the United States District Court for the Northern
District of California by using the CM/ECF system.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 10, 2016.

s/Erik B. Levin